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for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

Adv. Pro. No. 10-04288 (SMB)

GURITZKY FAMILY PARTNERSHIP LP,

SANFORD GURITZKY, individually, and as
general partner of the Guritzky Family Partnership
LP,

and

BRENDA GURITZKY, individually, and as
general partner of the Guritzky Family Partnership
LP,

Defendants.

**STIPULATION AND ORDER WITHDRAWING DEFENDANTS' COUNTERCLAIMS
WITHOUT PREJUDICE**

Irving H. Picard, trustee ("Trustee") for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC ("BLMIS") and the estate of Bernard L. Madoff ("Madoff") (collectively, the "Debtor"), by and through his counsel, and Defendants the Guritzky Family Partnership LP, Sanford Guritzky and Brenda Guritzky (collectively, the "Defendants"), by and through their counsel, hereby stipulate and agree to the terms set forth below in this *Stipulation and Order Withdrawing Defendants' Counterclaims Without Prejudice* (the "Stipulation").

RECITALS

WHEREAS, customer claims designated as Claim # 001106, Claim # 001027, and Claim # 001050 (collectively, the "Claims") having been filed by or on behalf of Defendant the Guritzky Family Partnership LP; and

WHEREAS, the Trustee issued a Notices of Trustee's Determination of Claim to Defendant the Guritzky Family Partnership LP (the "Determinations") with respect to the Claims; and

WHEREAS, Defendant the Guritzky Family Partnership LP filed objections to the Determinations with the Court (the "Claims Objections"); and

WHEREAS, the Trustee having filed a Complaint against the Defendants in the above-captioned action; and

WHEREAS, the Defendants having filed Counterclaims against the Trustee in the above-captioned action (the “Counterclaims”).

STIPULATION

NOW THEREFORE, the Trustee and Defendants hereby agree and stipulate as follows:

1. The Defendants hereby agree by this Stipulation that they immediately withdraw their Counterclaims without prejudice.
2. The Trustee may file this Stipulation in the above-captioned case as evidence of the Defendants’ withdrawal of the Counterclaims.
3. Within thirty (30) days after the Court’s entry of this Stipulation, the parties shall meet, either in person or by teleconference, and confer on a mediation, discovery and litigation plan as required by the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Order”) [Dkt. No. 3141] entered by the Bankruptcy Court in the above captioned SIPA liquidation, Adv. Pro. No. 08-01789 (SMB), on November 10, 2010.
4. This Stipulation may not be amended or modified except by further stipulation among the parties hereto.

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Dated as of June 6, 2014

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Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Estate of Bernard L. Madoff*

Dated: New York, New York
June 6th, 2014

SO ORDERED:

/s/ STUART M. BERNSTEIN

HONORABLE STUART M. BERNSTEIN

UNITED STATES BANKRUPTCY JUDGE